

Title 21

AERONAUTICS

Chapters:

- 01 Air Transportation**
- 02 (Reserved)**
- 03 Port of Entry for Aircraft**
- 04 (Reserved)**
- 05 Regulatory Powers**

Chapter 01

AIR TRANSPORTATION

Sections:

- 21.0101 Name of airport.**
- 21.0110 Airport enterprise fund.**
- 21.0115 Violation of rules-Penalty.**

21.0101 Name of airport.

The Airport of Tafuna shall be known as the Pago Pago International Airport. All airlines using the airport shall use that name.

History: 1962, PL 7-27.

21.0110 Airport enterprise fund.

Fees and revenues collected from the operation of the Pago Pago International Airport shall be placed in an enterprise fund.

History: 1976, PL 14-25.

21.0115 Violation of rules-Penalty.

(a) It is a misdemeanor for persons to violate any provision of the rules adopted under this title unless the violation is by law declared to be a felony.

(b) Unless another penalty is provided by law, persons convicted of a violation of any provision of the law or rules adopted under this title shall be sentenced as for a class B misdemeanor.

History: 1976, PL 14-32, and 1980, PL 16-90 § 8.

Amendments: 1980 Amended to conform with penalties provided for in Title 46, Criminal Justice.

Chapter 02

(RESERVED)

Chapter 03

PORT OF ENTRY FOR AIRCRAFT

Sections:

- 21.0301 Pago Pago International Airport-Port of entry.**
- 21.0302 Notice of illegal entry.**

21.0301 Pago Pago International Airport-Port of entry.

The Pago Pago International Airport is the only port of entry for American Samoa for aircrafts. All aircrafts must enter and be cleared from such port. No aircraft may call at any other port in American Samoa without first entering and clearing from the Pago Pago International Airport unless the Governor determines that the public interest or an emergency requires the aircraft to enter another port without first entering and clearing from the Pago Pago International Airport and grants permission to do so. An aircraft in distress may land at any port in American Samoa.

History: 1962, PL 7-27.

Research Guide:

- For designation of additional ports of entry by immigration board, see 41.0110.
- For port of entry of surface vessels, see 21.1201.

21.0302 Notice of illegal entry.

If any aircraft not in distress enters or attempts to enter a port in violation of the provisions of 21.0301, the pulenuu of the village at such port or the representative of the Director of Health shall communicate the fact by the fastest available means to the Director of Port Administration, and shall inform the master of the aircraft that such entry is in violation of law.

History: 1962, PL 7-27.

Chapter 04

(RESERVED)

Chapter 05**REGULATORY POWERS****Sections:**

- 21.0501 Recognition of federal authority-Reservation of territorial power.**
- 21.0502 Development of aeronautics-Cooperation with other entities.**
- 21.0510 Power of government.**
- 21.0515 Adoption of rules-Establishment of standards-Classification of airports.**
- 21.0520 Rates-Grievance-Stay of action.**

21.0501 Recognition of federal authority-Reservation of territorial power.

The government recognizes the authority of the Federal Government of the United States to regulate the operation of aircrafts and to control the use of the airways, and nothing in this act shall be construed to give the Territory the power to so regulate and control the safety factors in the actual operation of aircraft or to control use of the

airways; provided, that the Federal Government has exercised to the ultimate its rights to regulate and control the same. This chapter shall not affect the Territory's power to regulate the intrastate rates of common carriers by air, and that power is reserved to the government.

History: 1979, PL 16-21 § 1; amd 1979, PL 16-31 § 1.

Amendment: 1979 Amended section generally

21.0502 Development aeronautics-Cooperation with other entities.

The Governor, or his designee for aeronautical affairs, shall encourage, foster, and assist in the development of aeronautics in this Territory and encourage the establishment of airports and air navigation facilities both public and private. He shall cooperate with and assist the Federal Government, political subdivisions of this Territory, and others in the development of aeronautics, and shall seek to coordinate their aeronautical activities.

History: 1979, PL 16-21 § 1; amd 1979, PL 16-31 § 1.

Amendment: 1979 Amended section generally.

21.0510 Power of government.

The Governor or his designee may:

- (1) draft and recommend necessary legislation to advance the interest of the Territory in aeronautics;
- (2) represent the Territory in aeronautical matters before federal, Pacific regional, and other agencies; and
- (3) participate as plaintiff or defendant or as intervenor on behalf of the territory or any political subdivision or citizen in any controversy which involves the interest of the territory in aeronautics or air service to and from or within American Samoa.

History: 1979, PL 16-21 § 1; and 1979, PL 16-31 § 1.

Amendment: 1979 Amended section generally.

21.0515 Adoption of rules-Establishment of standards-Classification of airports.

(a) The Governor or his designee may adopt and amend general or special rules, and procedures in the manner prescribed by the Administrative Procedure Act, 4.1001 et seq. and establish minimum standards, consistent with and clearly within the scope of federal legislation governing aeronautics and the rules and standards issued thereunder.

(b) He may, by rule, classify airports into several reasonable classes or groups according to their facilities and the types and number of aircraft which they are capable in handling, and may adopt and amend rules and procedures and establish minimum standards for each separate class or group.

(c) The Governor may prescribe rules for the operation of the Pago Pago International Airport and any other airport or terminal built or to be built within American Samoa. The Governor has the power to establish specifications for any and all airfields or airports in American Samoa to insure the safety of passengers. The specifications may be more stringent than those promulgated by federal authorities.

(d) He may also establish charges for landing, parking aircraft, police protection, fire

protection and any other service made available by the government at the airport or airports to the aircraft operators or any other persons.

History: 1962, PL 7-27, 1968, PL 10-57; amd 1979, PL 16-21 § 1; amd 1979, PL 16-21 § 2; 1979, PL 16-31 § 1.

Amendment: 1979 Amended section generally;
Subsection (c): added 2nd sentence.

21.0520 Rates-Grievance-Stay of action.

The Governor or his designee shall have the power and the duty to review the rates for carriage of passengers and freight between any 2 points within the Territory of American Samoa, for any carrier whose rates are not subject to the approval of the Federal Civil Aeronautics Board. If after due investigation the Governor finds the rates to be excessive, he may on 30 days' notice in writing deny the carrier the right to use airport and other facilities under control of the government. Any carrier who is aggrieved by that finding has the right to apply to the High Court of American Samoa for a stay of the action pending a hearing at which the reasonableness of the rate will be determined on the merits.

History: 1979, PL 16-21 § 1, amd 1979, PL 16-31 § 1.

Amendment: 1979 Amended section generally.